

1 ISMAIL J. RAMSEY (CABN 189820)  
United States Attorney

2 THOMAS A. COLTHURST (CABN 99493)  
3 Chief, Criminal Division

4 CHRIS KALTSAS (NYBN 5460902)  
5 Assistant United States Attorney

6 1301 Clay Street, Suite 340S  
7 Oakland, California 94612  
8 Telephone: (510) 637-3680  
9 FAX: (510) 637-3724  
10 chris.kaltsas2@usdoj.gov

11 Attorneys for United States of America

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 OAKLAND DIVISION

15 UNITED STATES OF AMERICA,

16 ) Case No. 4:23-mj-70774 MAG

17 Plaintiff,

18 ) STIPULATION AND PROTECTIVE ORDER

19 v.

20 ) [PROPOSED] (AS MODIFIED)

21 BARNABAS JIME,

22 )

23 Defendant.

24 )

25 )

26 With the agreement of the parties, the Court enters the following Protective Order:

27 Defendant is charged with Title 18, United States Code, Section 1343 (Wire Fraud). Upon  
28 receipt of a discovery request, the United States will produce documents and other materials pertaining  
to the defendant and the charged offense to defense counsel. The discovery to be provided includes  
documents or other materials falling into one or more of the following categories (collectively,  
“Protected Information”):

1. Personal Identifying Information of any individual (other than his or her name), including  
any person’s date of birth, social security number, residence address, telephone numbers,

1 email addresses, driver's license number, names of persons who are minors, or criminal  
2 histories ("Personal Identifying Information");  
3 2. Financial Identifying Information of any individual or business, including bank account  
4 numbers, credit or debit card numbers, account passwords, and taxpayer identification  
5 numbers ("Financial Identifying Information"); and  
6 3. Medical records or other patient information of any individual covered by the Health  
7 Insurance Portability and Accountability Act of 1996 (HIPAA) ("Medical Information").

8 The United States will identify discovery materials as Protected Information by marking such  
9 materials "CONFIDENTIAL—SUBJECT TO PROTECTIVE ORDER" or by providing written notice  
10 identifying discovery materials as Protected Information. The government shall exercise reasonable  
11 care in determining which discovery materials should be designated as Protected Information in order to  
12 avoid the over-designation of discovery materials as Protected Information.

13 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,  
14 **IT IS HEREBY ORDERED** that defense counsel, their investigators, assistants, employees,  
15 and independent contractors (collectively, "the Defense Team") may review with the defendant all  
16 discovery material produced by the government, but shall not provide a defendant with copies of, or  
17 permit defendant to make copies of, or have unsupervised access to any discovery material produced by  
18 the government that contains Protected Information, unless the Protected Information has first been  
19 **entirely redacted** from the discovery materials. The government and defense counsel are ordered to  
20 work together to ensure that these materials are protected, but that defendant has as much access to the  
21 materials as can be provided consistent with this Court's order. Discovery material that clearly pertains  
22 to a specific defendant and does not contain Protected Information regarding any other person (e.g.,  
23 defendant's own bank records, telephone records, and business records) may be provided to that  
24 defendant unredacted.

25 The Defense Team may show witnesses Protected Information in the course of preparing a  
26 defense for trial or any related proceedings in this case, but only if (i) the witness, by reason of their  
27 participation in the underlying events or conduct, would have seen or had reason to know such  
28 information, or (ii) it is otherwise relevant to the defense of the case that the Defense Team discuss with

1 or show the witness Protected Information. Witnesses may only view Protected Information in the  
2 presence of the Defense Team. No witness or potential witness may retain copies of discovery material  
3 that contains Protected Information after his or her review of those materials with the Defense Team is  
4 complete.

5 Defense counsel may also provide unredacted copies of Protected Information to any experts  
6 retained to assist with the preparation of the defense in the captioned case. The defendant, all members  
7 of the Defense Team, and any experts who receive Protected Information under this Order shall be  
8 provided a copy of this Order along with those materials and shall sign and date the order reflecting their  
9 agreement to be bound by it.

10 The Defense Team shall maintain Protected Information safely and securely, and shall exercise  
11 reasonable care in ensuring the confidentiality of those materials by not divulging the contents or  
12 permitting anyone to see Protected Information except as set forth in this Protective Order.

13 The materials provided pursuant to this protective order may only be used for the specific  
14 purpose of preparing or presenting a defense in this matter and related ancillary proceedings, *e.g.*,  
15 immigrations proceedings, unless specifically authorized by the Court.

16 This Order shall also apply to any copies made of any materials covered by this Order.

17 **IT IS FURTHER ORDERED** that if a party files a pleading that contains or attaches Protected  
18 Information subject to this Order, the Protected Information ~~must be filed under seal (accompanied by a~~  
19 ~~request to file under seal) and redacted from the public filing, unless otherwise ordered by the Court.~~

20 **IT IS FURTHER ORDERED** that after any judgment or disposition has become final and there  
21 are no pending proceedings, challenges, appeals, or habeas motions in the case, counsel for defendant  
22 shall either destroy discovery materials containing Protected Information (including any copies) within  
23 30 days if the defendant consents to such destruction, or retain the Protected Information and ensure that  
24 the Protected Information will continue being kept under the conditions specified in this Order. After  
25 the statutory period for filing a motion under 28 U.S.C. § 2255 has expired, the United States is free to  
26 destroy documents and materials subject to this Order. If defendant is represented by counsel and files a  
27 motion pursuant to 28 U.S.C. § 2255, the United States will provide counsel with the documents and  
28 materials subject to this Protective Order under the terms of this Order.

This stipulation is without prejudice to either party applying to the Court to modify the terms of any protective order. This Court shall retain jurisdiction to modify this Order upon motion of either party even after the conclusion of district court proceedings in this case.

## IT IS SO STIPULATED.

ISMAIL J. RAMSEY  
United States Attorney

Dated:

/s/  
CHRIS KALTSAS  
Assistant United States Attorney

## **IT IS SO ORDERED AS MODIFIED.**

Dated: June 13, 2023

HON. DONNA M. RYU  
Chief Magistrate Judge

PROTECTIVE ORDER  
4:23-mj-70774 MAG

1 By signing below, I acknowledge that I have been provided and have reviewed a copy of this  
2 Order and hereby agree to be bound by its terms:

4	<u>SIGNATURE</u>	<u>DATE</u>
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		